

NOTIFICATION.**(LAW DEPARTMENT).**

No. LAW 28 LGN 66, Bangalore, dated 16th December 1966.

Ordered that the **Mysore Municipalities (Amendment) Act, 1966**, which received the assent of the Governor on the Fourteenth day of December 1966, be published as **Mysore Act No. 34 of 1966** in the *Mysore Gazette* for general information.

MYSORE ACT No. 34 OF 1966.

*(First published in the Mysore Gazette dated the
Twenty-second day of December 1966).*

**THE MYSORE MUNICIPALITIES (AMENDMENT)
ACT, 1966**

*(Received the assent of the Governor on the Fourteenth day of
December 1966)*

**An Act further to amend the Mysore Municipalities
Act, 1964.**

WHEREAS it is expedient further to amend the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964) ;

BE it enacted by the Mysore State Legislature in the Seventeenth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Mysore Municipalities (Amendment) Act, 1966.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. *Amendment of section 10.*—In sub-section (1) of section 10 of the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964) (hereinafter referred to as the principal Act), after the words “sue and be sued” the words “through its Chief Officer or Municipal Commissioner” shall be added.

3. *Amendment of section 43.*—In section 43 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely :—

“(2) The President of a municipal council may, in cases of emergency direct the execution or stoppage of any

work or the doing of any act which requires the sanction of the municipal council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the municipal fund :

Provided that—

(a) he shall not act under this section in contravention of any order of the municipal council prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report forthwith the action taken under this section and the reason therefor to the standing committee at its next meeting.”

4. *Amendment of section 44.*—In section 44 of the principal Act, in clause (b) of sub-section (2), the words “on leave” shall be omitted.

5. *Amendment of section 47.*—In sub-section (1) of section 47 of the principal Act after the words “transaction of business”, the words “which shall be called an ordinary general meeting” shall be added..

6. *Insertion of new section 71A.*—After section 71 of the principal Act, the following section shall be and shall always be deemed to have been inserted, namely :—

“71A. *Staff of municipal council.*—Subject to the provisions of section 365 and the rules made under section 323, every municipal council shall be entitled to employ such officers and servants as may be necessary for the discharge of its duties.”

7. *Amendment of section 106.*—In section 106 of the principal Act, to sub-section (2) the following proviso shall be added, namely :—

“Provided that the Government may, if in its opinion it is necessary so to do, appoint such number of

officers not below the rank of an Assistant Commissioner as it thinks fit, to be revising authorities in respect of different areas in any municipality and when any such appointment is made, references to the revising authority in this section shall be construed as references to such revising authorities."

8. *Amendment of section 109.*—In section 109 of the principal Act,—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every part of the assessment list shall be completely revised not less than once in every four years, but it shall not be necessary to prepare a new assessment list every year." ;

(2) after sub-section (3), the following sub-section shall be and shall always be deemed to have been added, namely:—

"(4) Notwithstanding anything contained in the preceding sub-sections, until the revision of an assessment list or any part thereof, the assessment list prepared and authenticated in accordance with the provisions of this Act shall continue to be the authenticated assessment list in force."

9. *Amendment of section 115.*—In sub-section (1) of section 115 of the principal Act, for the words "not less than", the words "not more than" shall be substituted.

10. *Amendment of section 125.*—In section 125 of the principal Act, in sub-section (2), for the words "a magistrate or such officer of the municipal council as the Government appoints in this behalf by name or office", the words "the Chief Officer or the Municipal Commissioner or such officer as the municipal council may appoint in this behalf" shall be substituted.

11. *Amendment of section 150.*—In sub-section (1) of section 150 of the principal Act, for the words “any magistrate by whom, under the directions of the Government or of the District Magistrate, such class of cases is to be tried”, the words “the judicial magistrate having jurisdiction over the area concerned” shall be substituted.

12. *Insertion of new section 213A.*—After section 213 of the principal Act, the following section shall be inserted, namely :—

“213A. *Precaution in case of dangerous trees.*—
(1) If any tree or any branch of a tree or the fruit of any tree appears to the Chief Officer or the Municipal Commissioner to be likely to fall and thereby endanger any person or any structure, the Chief Officer or the Municipal Commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary, the Chief Officer or Municipal Commissioner shall himself before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measure as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the same manner as an amount claimed on account of any tax recoverable under Chapter VII.”

13. *Amendment of section BRG.*—In section 287 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely,—

“(1) The Chief Officer or the Municipal Commissioner shall, on or before the fifteenth day of January each year, prepare and submit to the municipal council a budget containing a detailed estimate of income and expenditure of the municipal council for the ensuing year commencing on the first day of April next following together with a complete account of the actual and expected receipts and

expenditure for the official year ending on the thirty-first day of March next following."

14. *Amendment of section 315.*—In section 315 of the principal Act,—

(1) in sub-section (1), after the words "curtail or extend", the words "either prospectively or retrospectively" shall be and shall always be deemed to have been inserted;

(2) in sub-section (2), for the words "the president, vice-president and other authorities", the words "the president and vice-president" shall be substituted.

15. *Amendment of section 316.*—In sub-section (3) of section 316 of the principal Act, after the words "be continued", the words "either prospectively or retrospectively" shall be and shall always be deemed to have been inserted.

16. *Amendment of section 329.*—In section 329 of the principal Act, in clause (a), for the words "perform all the duties", the words "subject to the control of the municipal council, perform all the duties" shall be substituted.

17. *Amendment of section 330.*—In section 330 of the principal Act—

(1) for the words "The Chief Officer shall exercise the powers", the words and figures "Subject to the control of the municipal council, the Chief Officer shall exercise the powers" shall be substituted;

(2) in the table annexed to clause (e), for the word and figures "section 112", the words and figures "sections 111 and 112" shall be substituted.

18. *Amendment of section 338.*—In clause (1) of section 338 of the principal Act, after the word, figure and brackets "sub-section (1)", the words, figure and brackets "or sub-section (2)" shall be inserted.

19. *Amendment of section 343.*—In section 343 of the principal Act,—

(1) in the heading, for the words “not subject to appeal except in certain cases”, the words “subject to appeal” shall be substituted;

(2) the section shall be renumbered as sub-section (1) of that section and in sub-section (1) as so renumbered, the words “or Chief Officer” shall be omitted;

(3) after sub-section (1), the following sub-section shall be inserted, namely :—

“(2) In respect of any order passed or anything done by the Municipal Commissioner which is not appealable to the municipal council under sub-section (1), an appeal shall lie to such officer as the State Government may by rules prescribe in this behalf.”

20. *Amendment of section 349.*—In section 349 of the principal Act, after sub-section (4), the following sub-section shall be and shall always be deemed to have been added, namely :—

“(5) Subject to the provisions of sub-section (4) when the limits of the areas specified under sub-section (1) are altered by the inclusion of any area, the provisions of this Act or the rules or bye-laws applied to the notified area and the taxes, fees or cesses imposed therein, and all notifications, rules, bye-laws, orders, resolutions, directions and powers issued, made or conferred under the provisions of this Act or the rules or bye-laws so applied shall, notwithstanding anything contained in sections 351 and 353, be applicable to the said included area as from the date of inclusion of such area.”

21. *Amendment of section 361.*—In section 361 of the principal Act, in sub-section (1), the words “which contains a population of not less than fifty thousand inhabitants as determined at the last preceding census” shall be omitted.

22. *Amendment of section 382.*—In section 382 of the principal Act, after the second proviso to sub-section (1), the following proviso shall be and shall always be deemed to have been inserted, namely :—

“Provided further that notwithstanding anything contained in the preceding proviso where any tax, duty, fee or cess other than a duty on transfers of immovable properties has been imposed under the said laws at a rate higher than the maximum rate permissible under this Act, such tax, duty, fee or cess may continue to be imposed and collected at such higher rate unless and until superseded by anything done or any action taken under this Act.”

23. *Amendment of Schedule II.*—In Schedule II to the principal Act, under the heading “Class I—Articles of food and drink”, for the entries in serial numbers 12 and 13, the following entries shall be substituted, namely :—

- | | |
|---|-------------------------------|
| “ 12. Uncured coffee
(cherry or parchment) | 0—07 per forty
litres |
| 13. Clean coffee
(pounded or hulled) | 0—30 per fifty
kilograms”. |

By Order and in the name of the Governor of Mysore,

R. SANJEEVALU,
[Secretary to Government,
Law Department.]